

DELEGATE JAMES (presiding): I think that would be out of order at this time.

DELEGATE RYBCZYNSKI: Concerning my next question, I notice that there are two schools of thought on the question I am going to ask you about. I would like to know, number one, that you did consider this, and number two, how you finally resolved the problem. It seems over the years there has been some experience in governmental agencies where a unit will decide to purchase enough land for a school or a park, or some other such thing, which is kept generally secret. However, as soon as the news either leaks out or gets out, there is a lot of speculation in the area which drives prices up.

Now, did you consider the problem and, if you did, how did you resolve that?

DELEGATE WILLONER: Well, we resolved it only in the way that it is being resolved today. I will read section D of the statute:

"Matters which you have discussed in public would be likely to benefit the parties whose interests are adverse to those of the general community. This provision shall include but not be limited to the acquisition of land."

We did have some discussion, and the general feeling of the Committee was that this was still an appropriate area to protect.

DELEGATE JAMES (presiding): Are there any further questions for purposes of clarification?

Delegate Bennett.

DELEGATE BENNETT: Delegate Willoner, would a proceeding before the merit system granted for removal of a government officer be open to all?

DELEGATE WILLONER: Under this proposal it would be possible that such a situation could occur, but once again I would refer you to the example of the exclusionary statute which would provide that "The dismissal, promotion, demotion, or compensation of any public employee, or the disciplining of such employee or investigating of charges against him, unless the employee affected shall have requested an open meeting, shall be a closed meeting."

DELEGATE BENNETT: In other words, this is meaningless so far as reaching a great many important issues that are facing the executive departments, is that right? Is that correct?

DELEGATE WILLONER: Would you repeat the question, please?

DELEGATE BENNETT: Do I understand you to say this proviso is meaningless, and has no effect on hearings of that kind?

DELEGATE WILLONER: No. This would open up such meetings if they were not protected "except as otherwise provided by law." It is not a difficult matter. It is a matter always raised. I am absolutely positive that the legislature would so provide.

As far as that aspect is concerned, they could adopt this freedom of information statute, and they would certainly protect that situation.

Does that answer your question?

DELEGATE BENNETT: Not very satisfactorily. To go to another question, what about a meeting to consider the taking of a particular piece of property?

DELEGATE WILLONER: I just discussed that, Delegate Bennett. It would be an open meeting unless the legislature protected it, and again in this proposal there is provision for the legislature to protect such a meeting. It would have to be even broader than that because, as this points out, it would be something that would be against the public interest; if it were against the public interest to discuss the matter in public, then of course it would be a closed meeting.

DELEGATE JAMES (presiding): A point of inquiry from the Chair. Suppose both houses of the General Assembly adopted a rule that would permit a committee or subcommittee of the General Assembly to meet in executive session. Do you think that would be valid?

DELEGATE WILLONER: In this proposal we used the language "By public general law", and the concept of the Committee was clearly that before any meeting could be closed, it would be up to the legislature to provide by legislative enactment with veto or acceptance of the bill by the governor.

DELEGATE BENNETT: Would a meeting of the Washington Suburban Sanitary Commission, where the question was discussed of where a sewer or water line was to be laid, be open?

DELEGATE WILLONER: Yes, unless otherwise protected by the legislature.

DELEGATE BENNETT: What you are saying in effect is that you can drive a